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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/343,183	06/30/1999	MASAMI KATO	862.2914	7586

5514 7590 07/25/2003

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NEW YORK, NY 10112

EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 07/25/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

PR4

Office Action Summary

Application No.

09/343,183

Applicant(s)

KATO, MASAMI

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-30,40 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-30,40 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/10/2003 has been entered.

Claims 19-30, 40, and 46 are presented for examination. Claims 31-38, 41, 43-44 and 47 have been cancelled. Claims 19, 20, 21, 22, 24, 26-29, 40 and 46 have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 19-24, 26, 40 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (US 5,991,276), in view of Jong (US 6,173,250).**

4. As to claims 19-21, Yamamoto teaches a multipoint videoconference system including a videoconference server (a data communication control apparatus) comprising:

an image generating device adapted to generate first image data for the dedicated terminals, and second image data for the general-purpose terminals (Yamamoto, MPEG video encoder 51 of Fig. 6, C7: L64-66);

a control device adapted to control a way of distributing data corresponding to the plurality of connected communication terminals (Yamamoto, ATM-SW controller 8a of Fig. 2, C4: L3-47); and

a data distributing device adapted to distribute the text data in real-time, generated from the voice data, to the general-purpose terminal with the second image data, and to distribute the voice data to the dedicated terminals with the first image data (Yamamoto, multiplexer/demultiplexer 47 of FIG. 6, C7: L36-67 and C8: L1-39);

However, Yamamoto does not explicitly teach voice recognition device for recognizing voice data and generating text-data based upon the recognized voice data.

In the related art, Jong teaches an apparatus and method for speech-text and text-speech communication over data networks includes speech recognition device 203 and speech conversion device 206 of Fig. 2 that convert speech signals into text data and text data received from a data network to speech output signals (Jong, C3: L36-50, C4: L57-67 and C5: L1-34).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Yamamoto and Jong to include the speech-text conversion means as suggested by Jong because text data packets representing speech are streaming at a lower data rate and the transmission of the text data packets may be performed at a lower bandwidth therefore faster than the transmission of voice data packets over a network.

5. As to claims 22-24, Yamamoto-Jong teaches the system as in claim 19, wherein said voice recognition means generates text-chat data; said general-purpose terminal and dedicated terminals have a data conferencing function based upon text-chat data (Yamamoto, C3: L59-67 and C4: L1-2; Jong, C4: L57-67 and C5: L1-33).

6. As to claim 26, Yamamoto-Jong teaches the system as in claim 19, wherein the general-purpose terminal is connected via the Internet Protocol (Jong, C2: L53-67 and C3: L1-6).

7. Claims 40 and 46 are corresponding method, data communication system and recording medium claims of claims 19; therefore, they are rejected under the same rationale.

8. Claims 25, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto, in view of Jong, and further in view of Berry et al. (US 6,404,747), herein after referred as Berry.

9. As to claim 25, Yamamoto-Jong teaches the system as in claim 22, but does not explicitly teach the text-chat data is in compliance with ITU-T Recommendation T.120.

In the related art, Berry teaches a Video Multimedia Call Center (VMMCC) with multipoint access through a PBX (private branch exchange) within an ACD (automatic call distribution) environment has both audio and video capabilities wherein the T.120-series of recommendations to provide a means for telecommunicating all forms of data/telematic media between 2 or more endpoints (Berry, C5: L46-67 and C6: L1-52).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Yamamoto-Jong and Berry wherein the text-chat data is in compliance with ITU-T Recommendation T.120 since such methods/techniques were well-known and conventionally employed in the field of multimedia communications.

10. As to claims 27-28, Yamamoto-Jong-Berry teaches the system as in claim 26, wherein a web page (HTML-format hypertext data) is generated for the general-purpose terminals, including image data (five participants Mr. A to Mr. E) that has entered from the terminals (Berry, C12: L3-8 and Yamamoto, C6: L42-49).

11. As to claims 29-30, Yamamoto-Jong-Berry teaches the system as in claim 19, wherein the dedicated terminals are dedicated videoconferencing terminals in compliance with any of ITU-T Recommendations H.320, H.323 and H.324; and wherein the data communication control apparatus is in compliance with ITU-T Recommendations H.231 and H.243 (Berry, C6: L5-52).

Response to Arguments

12. In the remarks, applicant argued in substance that

(A) Prior Art does not disclose or suggest at least the feature of controlling a way of distributing data corresponding to a plurality of connected communication terminals.

As to point (A), Yamamoto teaches the communication terminals 6a-6d are connected to an ATM switching system (ATM-SW 8) through access unit 7a and 7b, which are designed to support multipoint access, wherein the ATM-SW 8 is a switch that routes the ATM cells (containing data/voice/video signals) toward their respective destinations with an ATM-SW controller 8a to supervise its operation (Yamamoto, C4: L3-47). Hence, Yamamoto does teach the feature of controlling a way of distributing data corresponding to a plurality of connected communications terminals.

(B) Prior Art does not disclose or suggest the feature of distributing text data, generated from voice data, to the general-purpose terminal with second image data, and distributing the voice data to the dedicated terminals with first image data.

As to point (B), Yamamoto teaches the multiplexer/demultiplexer 47 and other remaining functions, with their parallel structure, multiplexer/demultiplexer 47 can perform multiplexing and demultiplexing of the JPEG-coded voice and video signal, text data signal, and mouse position data signal to/from all the participant user terminals in a concurrent manner (Yamamoto, multiplexer/demultiplexer 47 of FIG. 6, C7: L36-67 and C8: L1-39).

(C) Prior Art does not disclose or suggest, "the user terminals are part of two different networks".

As to point (C), in response to applicant's argument that the references fail to show the user terminals are part of two different networks, it is noted that the feature cited in the quotation upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

13. Applicant's request for reconsiderations as well as arguments filed on 07/10/2003 have been fully considered but they are not deemed to be persuasive.

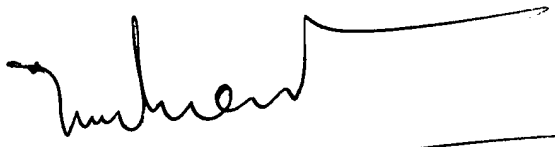
14. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Le H. Luu, can be reached at (703) 305-9650. The fax phone number for the organization is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen



LE HIEN LUU
PRIMARY EXAMINER